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10 Attorneys for Plaintiff
United States of America
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12 UNITED STATES DISTRICT COURT

13 FOR THE CENTRAL DISTRICT OF CALIFORNIA

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 ROBERT RUNDO,
ROBERT BOMAN,
AARON EASON, and
18 TYLER LAUBE,

19 Defendants.
20

No. CR 18-759-CJC

GOVERNMENT'S UNOPPOSED EX PARTE
APPLICATION FOR EXTENSION OF TIME
TO RESPOND TO MOTION TO DISMISS;
DECLARATION OF DAVID RYAN

21 Plaintiff United States of America, by and through its counsel
22 of record, the United States Attorney for the Central District of
23 California and Assistant United States Attorneys David T. Ryan and
24 George E. Pence, hereby submits this unopposed ex parte application
25 to (1) extend the deadline for the government's opposition to the
26 motion to dismiss to May 6, 2019; (2) extend the deadline for
27 defendants' reply in support of the motion to dismiss to May 20,
28

1 2019; and (3) continue the hearing on the motion to dismiss to
2 June 3, 2019.

3 The ex parte application is based upon the attached Declaration
4 of David Ryan and the files and records in this case.

5 Dated: May 2, 2019

Respectfully submitted,

6 NICOLA T. HANNA
United States Attorney

7 PATRICK R. FITZGERALD
8 Assistant United States Attorney
Chief, National Security Division
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10 /s/

11 DAVID T. RYAN
GEORGE E. PENCE
Assistant United States Attorney
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13 Attorneys for Plaintiff
UNITED STATES OF AMERICA
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DECLARATION OF DAVID RYAN

I, David Ryan, declare as follows:

1. I am an Assistant United States Attorney in the United States Attorney's Office for the Central District of California. I am one of the attorneys representing the government in this matter, which includes the filing of this ex parte application.

2. On April 22, 2019, defendants filed a motion to dismiss the Indictment in this case. The motion to dismiss raises several complex issues of constitutional law.

3. On May 1, 2019, I learned that the government had inadvertently mis-calendered the due date for its opposition to the motion to dismiss as May 6, 2019, 14 days after the filing of the motion, rather than April 29, 2019, seven days after the filing of the motion. The government apologizes for this mistake and regrets any resulting inconvenience to the Court.

4. Upon discovering this calendaring error, undersigned counsel notified their supervisor, Assistant United States Attorney Christopher D. Grigg, Chief of the Terrorism and Export Crimes Section, who requested, and to whom we have now provided, a copy of the Court's scheduling order and who has indicated he will personally monitor compliance with all deadlines in this case going forward.

5. In light of the government's calendaring error, as well as the complex legal issues raised in the motion to dismiss, the government requests an extension of time to May 6, 2019 to file an opposition. The government further proposes that defendants be given until May 20, 2019 to file their reply in support of the

1 motion, and that the hearing on the motion be continued to June 3,
2 2019.

3 6. On May 1, 2019, I contacted defense counsel, who informed
4 me that they do not oppose this application or the proposed briefing
5 schedule and hearing date set forth above.

6 7. On May 2, 2019, the Court's chambers confirmed that the
7 Court is available to hear the motion at 2:00 p.m. on June 3, 2019.

8 I declare under penalty of perjury that the foregoing is true
9 and correct to the best of my knowledge and belief.

10 Date: May 2, 2019

/s/ David Ryan
David Ryan
Assistant United States Attorney